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BASIC CONDITIONS AND CRITERIA FOR THE INTRODUCTION OF SANCTIONS AND OTHER COERCIVE MEASURES AND THEIR IMPLEMENTATION

I

The basic conditions and criteria for the introduction and application of sanctions include the following elements:

1. The application of compulsory sanctions is a radical measure and is permitted only after all other peaceful means of settling the dispute or conflict have been exhausted and only when the Security Council has determined the existence of a threat to peace, a breach of the peace or an act of aggression.

2. The application of sanctions is permissible only in the event of a real, objectively verified and factually established threat to international peace or a breach of the peace, and this refers specifically to international peace, not peace between communities, clans or groups.

3. Sanctions must be introduced in strict conformity with the provisions of the Charter of the United Nations and the rules of international law and justice, pursue clearly defined purposes, have a time-frame, be subject to regular review and provide for clearly stipulated conditions for lifting them, and the lifting of them must not be linked to the situation in neighbouring countries.

4. Before the introduction of sanctions, the country or party which is the object of the sanctions must be given unambiguous notice.

5. The introduction or utilization by individual States of additional sanctions and other coercive measures alongside sanctions introduced by the Security Council is not permissible.

6. Compulsory utilization of means for the peaceful settlement of disputes, including negotiations and provisional measures in accordance with Article 40 of the Charter, up until the time when the need may arise for the introduction of sanctions by the Security Council.

7. The use of sanctions for the purpose of overthrowing or changing the lawful regime or existing political order in the country which is the object of sanctions is not permissible.

8. The creation of a situation in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States is not permissible.

9. The imposition on a State which is the object of sanctions of additional conditions for cessation or suspension of sanctions is not permissable except as a result of newly discovered circumstances.

10. Objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions is necessary both at the stage of their preparation and in the course of their implementation.

II

In considering the question of sanctions, special attention should be paid to the "humanitarian limits" of sanctions. Their main components could be the following provisions:

1. When the Security Council considers issues relating to sanctions, account must be taken of humanitarian considerations, which are even more pressing in time of peace than in time of war.

2. Decisions on sanctions must not create situations in which fundamental human rights not subject to suspension even in an emergency situation would be violated, above all the right to life, the right to freedom from hunger, the right to prevent and cure epidemic and other diseases and combat them, and the right to create conditions which would ensure medical services for all and care in the event of illness.

3. The creation of a situation in which sanctions would cause excessive suffering to the civilian population, especially its most vulnerable sectors, is not permissible.

4. Periodic adjustment of sanctions is desirable taking into account the humanitarian situation and depending on the fulfilment by the State which is the object of sanctions of the requirements of the Security Council.

5. The temporary suspension of sanctions is desirable in emergency situations and cases of force majeure in order to prevent a humanitarian disaster.

6. Ensuring unimpeded and non-discriminatory access of the population of countries which are the object of sanctions to humanitarian assistance.

7. Impermissibility of measures likely to cause a serious deterioration in the situation of the civil population and breakdown of the infrastructure of the State which is the object of sanctions.

8. Consideration of the views of international humanitarian organizations of generally recognized authority in drawing up and implementing sanctions regimes.

9. Exclusion of international humanitarian organizations from the effect of sanctions limitations with a view to facilitating their work in countries which are the object of sanctions.

10. Utmost simplification of the regime established for delivery of humanitarian supplies required for the sustenance of the population, and exclusion of medical supplies and staple food items from the scope of the sanctions regime.

11. Strict observance of the principles of impartiality and the impermissibility of any form of discrimination in the provision of humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the population.